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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,837	01/31/2000	Boney Mathew	0153.00084	4020
7590 07/02/2004				
Amy E. Rinaldo Kohn & Associates 30500 Northwestern Highway Suite 410 Farmington Hills, MI 48334		EXAMINER AFTERGUT, JEFF H		
		ART UNIT PAPER NUMBER 1733		
DATE MAILED: 07/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/494,837		MATHEW ET AL.	
	Examiner		Art Unit	
	Jeff H. Aftergut		1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-27 is/are pending in the application.
- 4a) Of the above claim(s) 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election of the article of claims 22-26 in the reply filed on May 20, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claim 27 has been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on May 20, 2004.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 22-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 22 recites that the second fluorocarbon dispersion was such that it was "forming a smooth outer surface" on the finished assembly. The applicant is advised that there is no support in the original disclosure for forming a "smooth outer surface" with the coating applied to the braid to fill the gaps between the fibers of the braid layer. More specifically, applicant is referred to the original disclosure at page 9, line 14-17, page 9, line 30-page 10, line

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3, and page 10, line 34-page 11, line 7. Nowhere in the original disclosure is there reference to a "smooth outer surface" being provided by the second dispersion coated onto the braiding. In fact, the disclosure appears to suggest that the exterior of the fibers would have been exposed and the dispersion coated upon the braid went from the outside radially inward. As such there is no support for the disclosure that the exterior was provided with a smooth surface from the original disclosure.

Claim Rejections - 35 USC § 102/103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 22-26 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over E.P. 439,898 for the same reasons as presented in the Office action dated March 5, 2004, paragraph 3.

With regard to the amended language, the applicant is advised that: (1) the reference to E.P. '898 clearly suggested only a single braided layer about the inner liner in the manufacture of the hose assembly, and; (2) inasmuch as applicant described the "smooth outer surface" (see paragraph 4 above), the reference to E.P. '898 likewise described a smooth exterior surface (note that the reference suggested that one skilled in the art would have braided the fibers tightly about the inner liner and that the same would have left little or no gaps between the fiber and that the fluorocarbon coating would have gone from the outer surface radially inward as described by applicant's themselves, see column 3, lines 20-35 and column 4, lines 9-19 as well as Figure 2 where coating 20 appears to be a smooth exterior coating. While the fibers may form an

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undulating pattern on the surface of the liner, the coating provided upon the fibers would have been expected to result in a smooth exterior coating of the assembly as described and depicted.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over E.P. 380,841 in view of any one of Arterburn, Busdiecker, Haren, Mathews, Gray et al, or Brumbach optionally further taken with Green for the same reasons as presented in the Office action dated March 5, 2004 in paragraph 5.

Regarding the use of a single layer of braiding, the reference to E.P. '841 suggested the use of only a single layer of braiding as did Green. Additionally, while the references to any one of Arterburn, Busdiecker, Haren, Mathews, Gray et al, or Brumbach suggested the application of an exterior braided layer over the initial braided layer, they all suggested that an adhesive coating would have been applied to the inner liner prior to the braiding of the first layer and that a coating of a similar nature was then applied to the braided first layer. Note that as such, one skilled in the art viewing E.P. '841 would have been motivated to incorporate an initial coating of the adhesive on the inner liner (regardless of whether one applied a second braiding layer over the single layer provided therein) in order to better ensure bonding between the braiding and the inner liner. Additionally, the reference to Green was added to evidence that with a single braided layer it was known per se to provide the adhesive coating on the inner liner prior to the braiding operation.

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Response to Amendment

9. The affidavit under 37 CFR 1.132 filed May 20, 2004 is insufficient to overcome the rejection of claims 22-26 based upon E.P. 439,898 as set forth in the last Office action because: the affidavit is not signed.

The affidavit addresses the formation of a "smooth outer surface" and suggested that this is "counter-intuitive with the process that is disclosed throughout E.P. '898". However, the same language (that the coating was applied to the exterior and flowed from the exterior of the braid inward radially, is found in the original disclosure of this application. While E.P. '898 did suggest that a wide gap between the fibers could exist from the braid, this was NOT the preferred arrangement. Instead, what was preferred was for one to tightly weave or braid the exterior glass fiber material applied to the inner liner. As such, few and only minute gaps would have been present. Additionally, the coating 20 of Figure 2 is depicted therein as having a smooth surface.

It should be noted that the original disclosure in this application states that:

"The coating 14 covers or coats the glass fibers of the braided layer 13. That is, the coating 14 covers the fibers of the braided layer 13 from the outer periphery radially inwardly. The coating 14, therefore, does not extend radially outward from the outer periphery of the braided layer 13. After the material has been coated, each fiber is discernable." (emphasis added), page 9, line 30-page 10 line 2

Clearly, if the exterior coating was dispersed radially inward (just like the E.P. '898 reference) then the coating of the application and the coating provided to the fibers in E.P. '898 must have provided the same "smooth exterior surface" as the coatings acted alike. Additionally, note that the original disclosure, like E.P. '898 described the braiding as preferably being tight without large gaps between the fibers, see column 3, lines 29-35 and the original disclosure at page 8, lines 23-28. The application of a tight braid with the coating thereon in E.P. '898 would have

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resulted in a "smooth exterior coating" as depicted in Figure 2 inasmuch as applicant themselves formed the same.

Response to Arguments

10. Applicant's arguments with respect to claims 22-26 have been considered but are moot in view of the new ground(s) of rejection.

The applicant argues that E.P. '898 did not suggest that one skilled in the art at the time the invention was made would have provided a smooth exterior surface to the finished assembly as the second dispersion coating of the claimed invention does as the reference to E.P. '898 coated the fibers prior to braiding and therefore would not have possibly been able to produce a smooth exterior coating as claimed. The applicant is advised that the language presented in the claim is deemed not to be in applicant's possession at the time the application was filed (i.e. it is deemed to be new matter). Additionally, as one would have tightly braided the fibers in E.P. '898 which were coated with a dispersion which was not yet dried, one skilled in the art would have expected that the coating on the fibers would have filled any gaps between the fibers in the finished assembly. As such, the reference is deemed to suggest the same finished assembly (end product) as claimed. It should be noted that the reference suggested a single layer of braided fibers about the inner liner and the in Figure 2 it would appear that the surface coating of the liner was in fact a smooth coating.

The applicant argues regarding the rejection under 35 USC 103 that the references to any one of Arterburn, Busdiecker, Haren, Mathews, Gray et al, or Brumbach suggested that a second layer of braided material would have been applied over the coating applied on the first layer of braiding. The applicant is advised that while this may be the case, each reference was cited to

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show that it was known in the art of braiding to apply a coating of adhesive upon an inner lining prior to braiding there over in order to ensure that braided material was adequately secured to the liner. As such, it would have been obvious to the ordinary artisan to apply a coating to the inner liner of E.P. '841 as such would have ensured that the glass fibers were adequately secured to the liner used in the operation. Additionally, it would have been obvious to apply the inner initial coating upon the liner as the reference to Green suggested for a fluorocarbon liner it was known to initially apply the binder prior to application of the braid. As the references to both Green and E.P. '841 suggested a single braided layer, it would have been obvious to one of ordinary skill in the art in light of the suggestions of any one of Arterburn, Busdiecker, Haren, Mathews, Gray et al, or Brumbach to apply the dispersion both before and after the braiding operation in order to ensure that the braided material was secured to the inner liner in E.P. '841.

As addressed above, the affidavit is not persuasive in overcoming the prima facie case presented.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37


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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeff H. Aftergut
Primary Examiner
Art Unit 1733

JHA
June 29, 2004